

2016 Regular Session

HOUSE BILL NO. 1131

BY REPRESENTATIVE BROADWATER

TRANSPORTATION: Creates Transportation Infrastructure Districts

1 AN ACT

2 To enact Chapter 36 of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 48:2191 through 2195, relative to transportation infrastructure; to create  
4 transportation infrastructure districts; to provide for the governance of transportation  
5 infrastructure districts; to provide for the duties and powers of transportation  
6 infrastructure districts; to provide relative to the funding of transportation  
7 infrastructure projects; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 36 of Title 48 of the Louisiana Revised Statutes of 1950,  
10 comprised of R.S. 48:2191 through 2195, is hereby enacted to read as follows:

11 CHAPTER 36. TRANSPORTATION INFRASTRUCTURE DISTRICTS

12 §2191. Short title

13 The Chapter shall be known and may be cited as the "Transportation  
14 Infrastructure Districts Act of 2016".

15 §2192. Creation, organization, and purpose

16 A. There are hereby created nine Transportation Infrastructure Districts in  
17 this state, subject to the conditions hereinafter set forth, comprising all of the  
18 territory in the parishes within each district as set forth in this Chapter. The districts  
19 shall be as follows:

1           (1) Transportation Infrastructure District 02: Such district shall be  
2           comprised of the parishes of Jefferson, Lafourche, Orleans, Plaquemines, St.  
3           Bernard, St. Charles, and Terrebonne.

4           (2) Transportation Infrastructure District 03: Such district shall be  
5           comprised of the parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St.  
6           Martin, St. Mary, and Vermillion.

7           (3) Transportation Infrastructure District 04: Such district shall be  
8           comprised of the parishes of Bossier, Bienville, Caddo, Claiborne, DeSoto, Red  
9           River, and Webster.

10           (4) Transportation Infrastructure District 05: Such district shall be comprised  
11           of the parishes of East Carroll, Jackson, Lincoln, Madison, Morehouse, Ouachita,  
12           Richland, Union, and West Carroll.

13           (5) Transportation Infrastructure District 07: Such district shall be  
14           comprised of the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson  
15           Davis.

16           (6) Transportation Infrastructure District 08: Such district shall be  
17           comprised of the parishes of Avoyelles, Grant, Natchitoches, Rapides, Sabine,  
18           Vernon, and Winn.

19           (7) Transportation Infrastructure District 58: Such district shall be  
20           comprised of the parishes of Caldwell, Catahoula, Concordia, Franklin, LaSalle, and  
21           Tensas.

22           (8) Transportation Infrastructure District 61: Such district shall be  
23           comprised of the parishes of Ascension, Assumption, East Baton Rouge, East  
24           Feliciana, Iberville, Pointe Coupee, St. James, West Baton Rouge, and West  
25           Feliciana.

26           (9) Transportation Infrastructure District 62: Such district shall be  
27           comprised of the parishes of Livingston, St. Helena, St. John the Baptist, St.  
28           Tammany, Tangipahoa, and Washington.

1           B. Each district is created for the purpose of selecting and financing or  
2           assisting in financing the costs of transportation infrastructure projects.

3           §2193. Definitions

4           The following terms as used in this Subpart shall have the following  
5           meanings:

6           (1) "Board" means the board of commissioners and governing body of each  
7           district.

8           (2) "Costs" means the costs of preliminary engineering, traffic and revenue  
9           studies, environmental studies, right-of-way acquisition, legal and financial services  
10          associated with the development of a transportation infrastructure project,  
11          construction, construction management, facilities, and other costs, operating or  
12          otherwise, necessary for the transportation infrastructure project.

13          (3) "Executive officer" means the mayor, chief executive officer, parish  
14          president, president of a police jury, or any other officer charged with the duties  
15          customarily imposed on the mayor or chief executive officer of the parish,  
16          municipality, or tax recipient body.

17          (4) "Local governing body" means the city council, parish council, police  
18          jury, any tax recipient body, or similar official governing body of a parish or other  
19          political subdivision within each district.

20          (5) "Transportation infrastructure project" or "project" means any public  
21          road, highway, bridge, airport, port, ferry, or transit facility or system that benefits  
22          the public by either enhancing mobility or safety, promoting economic development,  
23          or increasing the quality of life and general welfare of the public. "Transportation  
24          infrastructure project" also includes mass transit including, but not limited to,  
25          monorail and monobeam mass transit systems.

26          §2194. Board of commissioners for each district; membership; terms; domicile

27          A.(1) The board of commissioners of each district shall be composed of the  
28          secretary of the Department of Transportation or his designee, three members from  
29          each participating parish appointed by the chief executive officer of that parish,

1 subject to the approval of its governing authority, and a representative of each private  
2 entity which has contributed monies or things of value to the district who shall be  
3 appointed by the president or chief executive officer of such entity.

4 (2) Each member appointed by the chief executive officer of a parish shall  
5 be domiciled within that parish.

6 B. All appointees shall be qualified voters holding no elective public office.  
7 Appointees to any agency, board, or commission of any participating parish shall be  
8 eligible for appointment to the board provided that no per diem is received from any  
9 such agency, board, or commission by such appointee.

10 C. All members appointed to the board of commissioners shall serve at the  
11 pleasure of the appointing authority or entity.

12 D. Members of the board may be removed for just and reasonable cause at  
13 the discretion of the respective appointing authority. In case of abandonment of his  
14 office, conviction of a felony or a plea of nolo contendere thereto, the office of a  
15 member shall be vacant upon the declaration of the board. A member shall be  
16 deemed to have abandoned his office upon failure to attend any regular or special  
17 meeting of the board for a period of four months without an excuse approved by a  
18 resolution of the board, or upon change of his domicile from the parish which he  
19 represents on the authority.

20 E. Each board shall elect from its members a chairman and vice chairman  
21 for terms to expire on December 31st of each year. The presiding officer of each  
22 board may continue to vote as any other member. Provided that in the event of a tie  
23 vote where a presiding officer has voted, the action shall be considered defeated.

24 F.(1) Each board shall hold at least one meeting each month. The secretary  
25 of each board shall give written notice and an agenda to each member of each board  
26 at least five days prior to any meeting. Each secretary shall be informed of any  
27 meeting so as to provide for his giving notice as above.

28 (2) A quorum is required in order to conduct any official meeting. A quorum  
29 shall consist of sufficient members present to constitute two-thirds of the  
30 membership of the board, and at least one representative of a majority of the parishes

1 comprising each board. A majority of the quorum present at a meeting may exercise  
2 all the powers and perform all the duties of each board as limited by its bylaws.  
3 Proxy voting shall not be permitted under any circumstances.

4 (3) Each board created pursuant to this Chapter shall be subject to and fully  
5 comply with the public records law, R.S. 44:1 et seq., and the open meetings law,  
6 R.S. 42:11 et seq., of the state. The proceedings and documents of the board shall  
7 be public record.

8 G. Each board may appoint and employ, as needed, a general manager, a  
9 secretary, a treasurer, and a general counsel, none of whom may be members of any  
10 board or a relative of a member of any board created in this Chapter, and shall  
11 delegate to them such authority as it deems appropriate. Each board may adopt such  
12 bylaws or rules and regulations as it deems appropriate for its own government, not  
13 inconsistent with this Chapter, including the creation of an executive committee to  
14 exercise such authority as its bylaws may prescribe.

15 H. The domicile of each district shall be situated in the parish which receives  
16 the affirmative vote of a majority of the total members of the board for that district.  
17 §2195. General powers and duties of each district

18 A district may exercise powers necessary, appurtenant, convenient, or  
19 incidental to the carrying out of the purposes of such district, including but not  
20 limited to the following rights and powers:

21 (1) To adopt rules and regulations necessary to carry out the purposes of the  
22 district, for the governance of its affairs, and for the conduct of the business of the  
23 board and the district.

24 (2) To adopt, use, and alter at will an official seal.

25 (3) To plan, or construct, reconstruct, maintain, improve, operate, own, or  
26 lease projects within its jurisdiction in the manner determined by the board and to  
27 pay any project costs in connection therewith.

28 (4) To sue and be sued in its own name.

29 (5) To contract with any person, partnership, association, or corporation  
30 desiring the use of any part of a project, including the right-of-way adjoining the

1 paved portion, for placing thereon telephone, fiber optic, telegraph, electric light, or  
2 power lines, gas stations, garages, and restaurants, or for any other purpose, and to  
3 fix the terms, conditions, rents, and rates of charges limited to no more than the  
4 board's direct and actual cost of administering the permitting process.

5 (6) To acquire, hold, and dispose of real and personal property in the  
6 exercise of its powers and the performance of its duties under this Chapter in  
7 accordance with law.

8 (7) To acquire public or private lands in the name of the district by purchase,  
9 donation, exchange, foreclosure, lease, or otherwise, including rights or easements,  
10 as it may deem necessary for carrying out the provisions of this Chapter.

11 (8) To hold, sell, assign, lease, or otherwise dispose of any real or personal  
12 property or any interest therein; to release or relinquish any right, title, claim, lien,  
13 interest, easement, or demand however acquired, including any equity or right of  
14 redemption in property foreclosed by it; to take assignments of leases and rentals; to  
15 proceed with foreclosure actions; or to take any other actions necessary or incidental  
16 to the performance of its purposes.

17 (9) To establish control of access, designate the location, and establish, limit,  
18 and control points of ingress and egress for each project as may be necessary or  
19 desirable in the judgment of the board to ensure its proper operation and  
20 maintenance, and to prohibit entrance to such project from any point or points not  
21 so designated, subject to the prior written concurrence of the Department of  
22 Transportation and Development when the state highway system is affected.

23 (10) To enter, or authorize its agents to enter, upon any lands, waters, and  
24 premises within the geographic boundaries of the district for the purpose of making  
25 surveys, soundings, drillings, and examinations as it may deem necessary or  
26 appropriate for the purposes of this Chapter provided that the district shall reimburse  
27 any actual damages resulting to such lands, waters, and premises as a result of such  
28 activities; such entry shall not be deemed a trespass or unlawful.

29 (11) To procure insurance in such amount or amounts appropriate to the size  
30 of a project, as determined by the board, insuring the district against all losses, risk,

1 and liability arising out of the construction, operation, maintenance, and ownership  
2 of any project.

3 (12) To apply for, receive, and accept grants, loans, advances, and  
4 contributions from any source of money, property, labor, or other things of value, to  
5 be held, used, and applied for purposes of the district.

6 (13) To open accounts at financial institutions necessary for the conduct of  
7 district business and to invest any funds held in reserves or sinking funds, or any  
8 funds not required for immediate disbursement in such investments as may be  
9 provided in any financing document relating to the use of such funds, or, if not so  
10 provided, as the board may determine, subject to compliance with state laws relative  
11 to investments by political subdivisions.

12 (14) To borrow money and issue bonds for any authority purpose.

13 (15) To enter into contracts and agreements and execute all instruments  
14 necessary or convenient thereto for accomplishing the purposes of the district.

15 (16) To enter into agreements with a public or private entity to construct,  
16 maintain, repair, or operate district projects.

17 (17) To authorize the investment of public and private money to finance  
18 district projects, subject to compliance with state law relative to use of public funds.

19 (18) To employ consultants, engineers, attorneys, accountants, construction  
20 and financial experts, superintendents, managers, and such other employees and  
21 agents necessary for the accomplishment of district purposes, and to fix their  
22 compensation. The authority shall not be deemed to be an instrumentality of the  
23 state for purposes of Article X, Section 1(A) of the Constitution of Louisiana.

24 (19) To exercise the power of eminent domain in accordance with Part XVIII  
25 of Chapter 1 of this Title.

26 (20) Each district may establish a transportation infrastructure bank. Any  
27 such transportation infrastructure bank established shall be subject to the  
28 requirements and limitations set forth in R.S. 48:85, 87, 88, 89, 90 and 90.1.

29 (21) To do all acts and perform things necessary or convenient to execute the  
30 powers granted to the district by law.

1           Section 2. This Act shall take effect and become operative if and when the Act  
2   which originated as HLS 16RS-2031 of this 2016 Regular Session of the Legislature is  
3   enacted and becomes effective.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 1131 Original

2016 Regular Session

Broadwater

**Abstract:** Creates Transportation Infrastructure DistrictsProposed law creates nine Transportation Infrastructure Districts as follows:

- 1)     District 02: Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, and Terrebonne parishes.
- 2)     District 03: Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, and Vermilion parishes.
- 3)     District 04: Bossier, Bienville, Caddo, Claiborne, DeSoto, Red River, and Webster parishes.
- 4)     District 05: East Carroll, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Union, and West Carroll parishes.
- 5)     District 07: Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis parishes.
- 6)     District 08: Avoyelles, Grant, Natchitoches, Rapides, Sabine, Vernon, and Winn parishes.
- 7)     District 58: Caldwell, Catahoula, Concordia, Franklin, LaSalle, and Tensas parishes.
- 8)     District 61: Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. James, West Baton Rouge, and West Feliciana parishes.
- 9)     District 62: Livingston, St. Helena, St. John the Baptist, St. Tammany, Tangipahoa, and Washington parishes.

Proposed law establishes a board of commissioners for each district composed of the secretary of the Dept. of Transportation and Development (DOTD), three members from each parish in the district who are residents of the parish and who are appointed by the CEO of the parish, and a representative of a private entity that has contributed money or things of value to the district. Requires that all board members be qualified voters holding no elective office and specifies that the members who serve on any parish agency, board, or commission are eligible to serve provided they receive no per diem from the agency, board, or commission.

Proposed law requires that the board elect its officers, that it meets at least once a month, and specifies that a quorum is two-thirds of the board membership with at least one representative each from of a majority of parishes in the district. Prohibits proxy voting. Requires compliance with the public records law and the open meetings law.



Proposed law authorizes the appointment by each district of a general manager, a secretary, a treasurer, and a general counsel, none of whom may be board members.

Proposed law authorizes the district to adopt rules and regulations; use an official seal; plan and construct projects within its jurisdiction; sue and be sued; contract for use of any project for utilities and services; acquire and hold real property; acquire public or private lands; sell, assign, lease or otherwise dispose of real property; establish control of access, authorize its agents to enter lands, waters, and premises to make surveys, soundings, drilling, and examinations; purchase insurance; receive grants, loans, advances, and contributions; open accounts at financial institutions; borrow money and issue bonds; enter into contracts; authorize the investment of public and private money to finance district projects; employ consultants, engineers, attorneys, accountants, and other experts; exercise the power of eminent domain; and establish an infrastructure bank.

Effective and operative if and when the Act which originated as HLS 16RS-2031 of this 2016 Regular Session of the Legislature is enacted and becomes effective.

(Adds R.S. 48:2191 through 2195)